

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BEAL BANK USA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1-16-CV-10729
)	
MARCIA A. SWIFT a/k/a MARCIA SWIFT)	
a/k/a MARCIA A. JEWELL and)	Hon. Gary Feinerman
CHRISTOPHER T. SWIFT a/k/a)	
CHRISTOPHER SWIFT a/k/a CHRIS T.)	
SWIFT a/k/a CHRIS R. SWIFT a/k/a)	
CHRIS SWIFT,)	
)	
Defendants.)	

PLAINTIFF’S MOTION TO VOLUNTARILY DISMISS

Plaintiff Beal Bank USA (“Beal Bank” or “Plaintiff”), by its attorneys, hereby moves, pursuant to F.R.C.P. Rule 41(a)(1)(A)(i) for voluntary dismissal without prejudice. In support of this motion, Plaintiff states:

1. Defendants have not answered the complaint, nor filed a motion for summary judgment in this matter.
2. Defendants are not actively involved in defending this matter either through counsel or *pro se*. Most recently, Defendants’ counsel did not respond to correspondence concerning the status report that the parties were required to submit to the Court on February 1, 2022.
3. The court in the Kane County foreclosure proceeding has entered a judgment of foreclosure and has approved a judicial sale of the property securing the note at issue in this proceeding.

4. Notwithstanding the Defendants' efforts to evade and avoid enforcement of the judgment and the sale, Plaintiff does not believe that dismissal of this suit would prejudice its remaining rights with respect to the Defendants.

5. Plaintiff is mindful that this matter should not remain pending subject to a stay if this Court cannot provide different or other relief than the Kane County court based on the claims alleged here.

WHEREFORE, Plaintiff respectfully seeks entry of an Order:

- A. Voluntarily dismissing this matter without prejudice, with each party to bear its own attorneys' fees and costs; and
- B. Striking those portions of the Court's February 2, 2022 order requiring Plaintiff to file a Memorandum explaining why this action should not be dismissed and setting the case for further status on February 17, 2022.

Dated: February 9, 2022

Respectfully submitted,

BEAL BANK USA

By: /s/ Collette A. Woghiren

Karl R. Barnickol
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CERTIFICATE OF SERVICE

Collette A. Woghiren, an attorney, states that she caused a copy of the **Plaintiff's Motion to Voluntarily Dismiss** to be served on:

George H. Olsen
Law Office of George H. Olsen
PO Box 576
Flossmoor, IL 60422
golsenlaw@gmail.com

via email and electronic filing using the United States District Court for the Northern District of Illinois CM/ECF system which sent notification of such filing on February 9, 2022.

/s/ Collette A. Woghiren